

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2014-0530

MANDATORY PENALTY
IN THE MATTER OF

COUNTY OF PLACER FACILITY SERVICES DEPARTMENT
PLACER COUNTY SEWER MAINTENANCE DISTRICT NO. 3
WASTEWATER TREATMENT PLANT
PLACER COUNTY

This Order is issued to the County of Placer Facility Services Department, Placer County Sewer Maintenance District No. 3, (hereafter Discharger) pursuant to California Water Code (Water Code) section 13385, which authorizes the imposition of Administrative Civil Liability, and Water Code section 13323, which authorizes the Executive Officer to issue this Order. This Order is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Orders R5-2007-0070 and R5-2013-0076 (NPDES No. CA0079367).

The Executive Officer of the Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) finds the following:

1. The Discharger owns and operates a Wastewater Treatment Plant that provides sewerage service to the Granite Bay area in Placer County. Treated domestic, commercial, and industrial wastewater is discharged to Miners Ravine, a water of the United States.
2. On 22 June 2007, the Central Valley Water Board issued WDRs R5-2007-0070 to regulate discharges of waste from the wastewater treatment plant. On 31 May 2013, the Board rescinded WDRs R5-2007-0070 except for enforcement purposes and issued WDRs R5-2013-0076 (effective 20 July 2013).
3. On 31 May 2013, the Board issued Cease and Desist Order (CDO) R5-2013-0089. The CDO provides a time schedule to comply with the final effluent limitations for copper, dibromochloromethane, dichlorobromomethane, and total trihalomethanes by 31 December 2014.
4. On 4 September 2013, the Assistant Executive Officer of the Central Valley Water Board issued Administrative Civil Liability Order (ACLO) R5-2013-0576 for mandatory minimum penalties for effluent violations from 1 June 2011 through 31 May 2013 in the amount of \$171,000. The violations covered by that Order are specifically listed in Attachment A to ACLO R5-2013-0576. The Discharger paid \$78,000 of the penalty and entered into an agreement to construct a Supplemental Environmental Project (SEP) in the amount of \$93,000. The Discharger is proceeding with the SEP.
5. On 6 January 2014, Water Board staff issued a Record of Violations to the Discharger for the period from 1 June 2013 through 31 October 2013. On 6 February 2014, the Discharger responded, agreed with the violations, and requested the violations be added

to the existing SEP entitled *SMD-3 Regional Sewer Project*. This Order extends the covered period of violations through 28 February 2014.

6. Water Code sections 13385(h) and (i) require assessment of mandatory penalties and state, in part, the following:

Water Code section 13385(h)(1) states:

Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation.

Water Code section 13385 (h)(2) states:

For the purposes of this section, a "serious violation" means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.

Water Code section 13385(i)(1) states, in part:

Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:

- A) Violates a waste discharge requirement effluent limitation.
- B) Fails to file a report pursuant to Section 13260.
- C) Files an incomplete report pursuant to Section 13260.
- D) Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.

7. Water Code section 13385(l) allows a discharger to complete a Supplemental Environmental Project (SEP) in lieu of paying the full amount of a mandatory penalty, and states, in relevant part:

(1) In lieu of assessing penalties pursuant to subdivision (h) or (i), the state board or the regional board, with the concurrence of the discharger, may direct a portion of the penalty amount to be expended on a supplemental environmental project in accordance with the enforcement policy of the state board. If the penalty amount exceeds fifteen thousand dollars (\$15,000), the portion of the penalty amount that may be directed to be expended on a supplemental environmental

project may not exceed fifteen thousand dollars (\$15,000) plus 50 percent of the penalty amount that exceeds fifteen thousand dollars (\$15,000).

(2) For the purposes of this section, a “supplemental environmental project” means an environmentally beneficial project that a person agrees to undertake, with the approval of the regional board that would not be undertaken in the absence of an enforcement action under this section.

8. WDRs Order R5-2013-0076, Final Effluent Limitations IV.A.1.a. states, in part:

The Discharger shall maintain compliance with the following effluent limitations at Discharge Point No. 001....:

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Ammonia, total as N	mg/L	1.2	--	3.8	--	--
	lbs/day ¹	3.0	--	9.5	--	--

¹ Mass-based effluent limitations are based on a permitted average dry weather flow of 0.30 MGD.

9. WDRs Order R5-2013-0076, Final Effluent Limitations IV.A.1.d. states, in part:

d. Total Residual Chlorine. Effluent total residual chlorine shall not exceed:

- i. 0.011 mg/l, as a 4-day average; and
- ii. 0.019 mg/L, as a 1-hour average.

10. According to the Discharger’s self-monitoring reports, the Discharger committed twenty-one (21) serious Group I violations of the above effluent limitations contained in Order R5-2013-0076 during the period beginning 1 June 2013 and ending 28 February 2014 as identified in Attachment A. These violations are defined as serious because the measured concentration of a Group I constituent exceeded maximum prescribed levels by more than 40 percent on these occasions. The mandatory minimum penalty for these serious violations is **sixty-three thousand dollars (\$63,000)**.

11. According to the Discharger’s self-monitoring reports, the Discharger committed six (6) serious Group II violations of the above effluent limitations contained in Order R5-2013-0076 during the period beginning 1 June 2013 and ending 28 February 2014 as identified in Attachment A. These violations are defined as serious because measured concentrations of Group II constituents exceeded maximum prescribed levels by more than 20 percent on these occasions. The mandatory minimum penalty for these serious violations is **eighteen thousand dollars (\$18,000)**.

12. According to the Discharger's self-monitoring reports, the Discharger committed four (4) non-serious violations of the above effluent limitations contained in Order R5-2013-0076 during the period beginning 1 June 2013 and ending 28 February 2014 as identified in Attachment A. These non-serious violations are subject to mandatory penalties under Water Code section 13385(i)(1) because these violations were preceded by three or more similar violations within a six-month period. The mandatory minimum penalty for the four non-serious violations is **twelve thousand dollars (\$12,000)**.
13. The total amount of the mandatory penalties assessed for the cited effluent violations is **ninety-three thousand dollars (\$93,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Order. This Order addresses administrative civil liability for violations that are specifically identified in Attachment A as subject to minimum mandatory penalties.
14. This Order constitutes a settlement of the violations herein mentioned. Notice of this settlement was published on the Central Valley Water Board's website and was provided to all interested parties. The 30-day public notice and comment period mandated by Federal regulations (40 CFR 123.27) has expired. No comments were received.
15. Water Code section 13385(l) allows a discharger to complete a Supplemental Environmental Project (SEP) in lieu of paying the full amount of a mandatory penalty, and states, in relevant part:
 - (1) In lieu of assessing penalties pursuant to subdivision (h) or (i), the state board or the regional board, with the concurrence of the discharger, may direct a portion of the penalty amount to be expended on a supplemental environmental project in accordance with the enforcement policy of the state board. If the penalty amount exceeds fifteen thousand dollars (\$15,000), the portion of the penalty amount that may be directed to be expended on a supplemental environmental project may not exceed fifteen thousand dollars (\$15,000) plus 50 percent of the penalty amount that exceeds fifteen thousand dollars (\$15,000).
 - (2) For the purposes of this section, a "supplemental environmental project" means an environmentally beneficial project that a person agrees to undertake, with the approval of the regional board that would not be undertaken in the absence of an enforcement action under this section.
16. The effluent violations alleged in this order will be resolved as follows: the Discharger shall pay \$39,000 to the *State Water Pollution Cleanup and Abatement Account*; the Discharger shall expend the remaining \$54,000 to fund the Supplemental Environmental Project (SEP) described in Attachment B, which is incorporated herein by reference. The proposed settlement complies with the State Water Resources Control Board's *Water Quality Enforcement Policy* and *Policy on Supplemental Environmental Projects*.

17. On 23 April 2009, the Central Valley Water Board delegated the authority to issue Administrative Civil Liability Orders, where the matter is not contested by the Discharger, to the Executive Officer, or to an Assistant Executive Officer when the Executive Officer is serving as head of the Board's Prosecution Team (Resolution R5-2009-0027).
18. Issuance of this Administrative Civil Liability Order to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

THE COUNTY OF PLACER FACILITY SERVICES DEPARTMENT IS HEREBY GIVEN NOTICE THAT:

1. The County of Placer Facility Services Department (Discharger) shall be assessed mandatory minimum penalties in the amount of **ninety-three thousand dollars (\$93,000)**.
2. The Discharger shall remit payment of **thirty-nine thousand dollars (\$39,000)** of the imposed civil liability by check, which shall contain a reference to ACL Order R5-2014-0530. Payment must be received by the State Water Board, Division of Administrative Services, Accounting Branch at 1001 I Street, 18th Floor, Sacramento, California 95814 by **29 May 2014**. The check shall be made payable to the *State Water Pollution Cleanup and Abatement Account*. A copy of the check must also be mailed to the Central Valley Water Board at 11020 Sun Center Drive, Rancho Cordova, California 95670, attention to Wendy Wyels by the same date.
3. The remaining **fifty-four thousand dollars (\$54,000)** shall be suspended, pursuant to Water Code section 13385(l), pending completion of the Supplemental Environmental Project (SEP) that the Discharger is currently required to complete under Order R5-2013-0576. This Order increases the total cost of the SEP by \$54,000 (from \$93,000 to \$147,000).
4. The SEP chosen by the Discharger is titled "*SMD-3 Regional Sewer Project*." A summary of the SEP Project Description, which includes a list of deliverables that will be submitted to the Central Valley Water Board throughout the project, can be found as Attachment B to this Order, which is incorporated herein by reference. The tasks listed in Attachment B are assigned an estimated monetary value; however, if excess funds are present in one task then they may be used as needed in subsequent tasks.
5. As required by the State Water Board's *Policy on Supplemental Environmental Projects*, the Discharger shall reimburse the Central Valley Water Board for the full cost of staff oversight of the SEP. Staff oversight costs are in addition to the total administrative civil

liability imposed against the Discharger and are not credited toward the Discharger's obligation to fund the SEP.

6. In the event that the Discharger is not able to demonstrate to the reasonable satisfaction of the Executive Officer that the suspended amount of \$43,500 was spent to complete the SEP for which the Discharger is financially responsible, the Discharger must remit the difference between the suspended liability and the amount the Discharger can demonstrate was actually spent on the SEP, as an administrative civil liability, to the *State Water Pollution Cleanup and Abatement Account* within 30 days of project completion, whichever comes first.
7. The Executive Officer may extend the deadlines contained in this Order if the Discharger demonstrates that unforeseeable contingencies have created delays, provided that the Discharger continues to undertake all appropriate measures to meet the deadlines and makes the extension request in advance of the expiration of the deadline. The Discharger shall make any deadline extension request in writing at least 30-days prior to the deadline. Any request for an extension not responded to in writing by the Board shall be deemed denied. The Discharger must obtain explicit approval from the Executive Officer for any significant departures from the project described in Attachment B. Failure to obtain written approval for any significant departures will result in the assessment of the actual cost difference between the portion of the project completed in conformity with the SEP described in Attachment B and the total amount of the suspended penalty.
8. Whenever the Discharger or its agents or subcontractors, or any fiscal agent holding SEP funds publicize any element of the SEP project, it shall state in a prominent manner that the project is being undertaken as part of the settlement of an enforcement action by the Regional Board against the Discharger.
9. The Discharger is ultimately responsible for ensuring that the work described in Attachment B is completed. In addition, the Discharger is responsible for submitting all technical reports and quarterly progress reports by the due dates listed in Attachment B. The quarterly progress reports and the Final Report shall also be submitted to the State Water Resources Control Board, Division of Financial Assistance.
10. If the Executive Officer determines that any of the tasks listed above are not satisfactorily completed by their respective due date (including any extensions approved by the Executive Officer), the Executive Officer may demand payment of the suspended liability that reflects the portion of the SEP that has not been satisfactorily completed. Payment shall be made via check made payable to the *State Water Pollution Cleanup and Abatement Account*, and shall be due within 30 days of the demand. The check shall have written upon it the number of this ACL Order.

**ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2014-0530**

**County of Placer Facility Services Department
Sewer Maintenance District No. 3
Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 June 2013 – 28 February 2014) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Programs R5-2007-0070 and R5-2013-0076)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
1	3-Sep-13	Ammonia	mg/L	3.8	17	Daily	1	957586
2	3-Sep-13	Ammonia	lb/d	9.5	11.1	Daily	1	957584
3	4-Sep-13	Ammonia	mg/L	3.8	8.8	Daily	1	957585
4	30-Sep-13	Ammonia	mg/L	1.2	2.9	Monthly Ave	1	957587
5	4-Nov-13	Chlorine	mg/L	0.019	5	1-hour	2	960932
6	4-Nov-13	Chlorine	mg/L	0.011	0.09	4-day	2	960934
7	5-Nov-13	Chlorine	mg/L	0.019	5	1-hour	2	960933
8	5-Nov-13	Chlorine	mg/L	0.011	0.09	4-day	2	960937
9	6-Nov-13	Chlorine	mg/L	0.011	0.07	4-day	2	960936
10	7-Nov-13	Chlorine	mg/L	0.011	0.07	4-day	2	960938
11	30-Nov-13	Ammonia	mg/L	1.2	2.1	Monthly Ave	1	960935
12	9-Dec-13	Ammonia	mg/L	3.8	5.5	Daily	1	962199
13	10-Dec-13	Ammonia	mg/L	3.8	9.4	Daily	1	962205
14	11-Dec-13	Ammonia	mg/L	3.8	5.9	Daily	1	962200
15	16-Dec-13	Ammonia	mg/L	3.8	9.3	Daily	1	962206
16	17-Dec-13	Ammonia	mg/L	3.8	8.4	Daily	1	962203
17	18-Dec-13	Ammonia	mg/L	3.8	7.8	Daily	1	962208
18	23-Dec-13	Ammonia	mg/L	3.8	5.4	Daily	1	962209
19	24-Dec-13	Ammonia	mg/L	3.8	5.7	Daily	1	962197
20	25-Dec-13	Ammonia	mg/L	3.8	7.4	Daily	1	962201
21	30-Dec-13	Ammonia	mg/L	3.8	8.8	Daily	1	962198
22	31-Dec-13	Ammonia	mg/L	3.8	8.4	Daily	1	962207
23	31-Dec-13	Ammonia	mg/L	1.2	6.4	Monthly Ave	1	962202
24	31-Dec-13	Ammonia	lb/day	3.0	5.1	Monthly Ave	1	962204
25	1-Jan-14	Ammonia	mg/L	3.8	8.3	Daily	4	964345
26	6-Jan-14	Ammonia	mg/L	3.8	6.5	Daily	1	964347
27	7-Jan-14	Ammonia	mg/L	3.8	5.9	Daily	1	964349
28	8-Jan-14	Ammonia	mg/L	3.8	4.7	Daily	1	964346
29	31-Jan-14	Ammonia	mg/L	1.2	1.4	Monthly Ave	4	964343
30	31-Jan-14	Ammonia	lb/day	3.0	3.2	Monthly Ave	4	964344
31	28-Feb-14	Ammonia	mg/L	1.2	1.4	Monthly Ave	4	965769

Remarks:

1. Serious Violation: For Group I pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group II pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violation falls within the first three violations in a six-month period, thus is not subject to mandatory minimum penalties. Penalties that may be assessed for this violation are discretionary.
This violation is not addressed or resolved in this Complaint
4. Non-serious violation subject to mandatory minimum penalties.

ATTACHMENT A
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<u>VIOLATIONS AS OF:</u>	<u>2/28/2014</u>
Group I Serious Violations:	21
Group II Serious Violations:	6
Non-Serious Violations Not Subject to MMPs:	0
Non-serious Violations Subject to MMPs:	4
<u>Total Violations Subject to MMPs:</u>	<u>31</u>

Mandatory Minimum Penalty = (27 serious Violations + 4 Non-Serious Violations) x \$3,000 = \$93,000

**ATTACHMENT B
ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2014-0530**

SEP Project Description

Project Title: Sewer Maintenance District No. 3 Regional Sewer Project

Geographic Area of Interest: Unincorporated Placer County; communities of Loomis and Granite Bay, Placer County

Name of Responsible Entity: Placer County, County of Placer Facility Services Department (Discharger)

Estimated Cost of Project Completion: The Discharger will allocate an additional \$54,000 to the existing funding (\$93,000) required by Order R5-2013-0576. The total cost of the project is \$4.8 million which includes county staff time, consultant costs for design and environmental review, and construction costs. The design and environmental review have been completed; therefore the SEP funding will be applied to the first \$93,000 plus \$54,000 spent subsequent to the date of adoption of this Order on construction of the pump station and pipeline.

Contact Information:

Kevin Bell, Program Manager
Placer County Environmental Engineering
11476 'C' Avenue
Auburn, CA 95603
(530) 886-4915
kbell@placer.ca.gov

Christina Hanson, Sr. Planner
Placer County Environmental Engineering
11476 'C' Avenue
Auburn, CA 95603
(530) 886-4965
chanson@placer.ca.gov

Project Description:

The purpose of the project is to decommission the SMD-3 wastewater treatment plant and construct a pump station and pipeline to convey wastewater flows to the City of Roseville Dry Creek Wastewater Treatment Plant. The Environmental Impact Report was certified on 20 November 2012 and the construction contract was awarded on 9 April 2013.

Water Body, Beneficial Use and/or Pollutant Addressed by this Project:

The SMD-3 WWTP currently discharges to Miners Ravine, which is a tributary to Dry Creek and, ultimately, the Sacramento River Basin. Miners Ravine is considered a sensitive natural community. The following existing and potential beneficial uses apply: municipal and domestic water supply (MUN), agricultural supply for irrigation (AGR), contact (REC-1) and non-contact (REC-2) water recreation, warm freshwater habitat (WARM), cold freshwater habitat (COLD), warm and cold migration of aquatic organisms (MGR), warm and cold spawning, reproduction, and/or early development (SPWN), navigation (NAV), and wildlife habitat (WILD).

The City of Roseville Dry Creek WWTRF is in compliance with current surface water discharge requirements; the SMD-3 WWTP currently exceeds effluent limitations for aluminum,

ammonia, chlorine, copper, dibromochloromethane, and dichlorobromomethane. Upon completion of the project, the discharge from SMD-3 will cease and the effluent will be treated at the City of Roseville Dry Creek WWTF.

Project Tasks, Budget, and Deliverables:

1. Pump Station Construction. Complete pump station construction at the existing SMD-3 wastewater treatment plant site.

Estimated Cost: The total construction budget is \$4.8 million. The SEP funding will be applied to the first \$93,000 plus \$54,000 spent subsequent to the date of adoption of this Order on completion of pump station construction.

Deliverable: Written notification of the construction and SEP funding expenditure.

Due Date: 30 July 2014

2. Final Report. The final report will include a summary of all completed tasks and a post-project accounting of all expenditures. The accounting must clearly show whether the final cost of the successfully completed SEP is less than, equal to, or more than the suspended liability amount for both ACL Orders. This serves as the only report required under the SEP and the following statement must be included above the signature line of the report: "I certify under penalty of perjury that the foregoing is true and correct."

Due Date: 30 September 2014